

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA DWANE BACON,

Plaintiff

v.

LUZERNE COUNTY, *et al.*,

Defendants

: Civil No. 3:23-cv-1699

:

:

:

:

:

:

:

:

:

ORDER

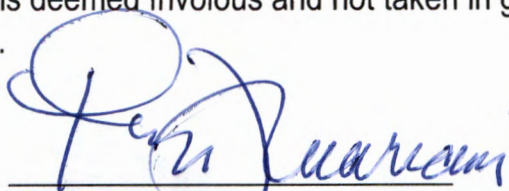
AND NOW, this 26th day of April, 2024, upon consideration of Defendants'

motion (Doc. 3) to dismiss, and the parties' respective briefs in support of and in opposition

to said motion, and for the reasons set forth in the accompanying Memorandum, **IT IS**

HEREBY ORDERED THAT:

1. The motion (Doc. 3) is **GRANTED**.
2. Plaintiff's complaint (Doc. 1-1) is **DISMISSED** with leave to amend. On or before May 10, 2024, Plaintiff may file an amended complaint only with respect to his Eighth Amendment failure to protect claim and municipal liability claim.
3. Failure to comply with this Order shall be construed as an indication that Plaintiff is no longer interested in proceeding with the action and shall result in a dismissal without prejudice.
4. Any appeal from this Order is deemed frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge